

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO
et al.,

(Jointly Administered)

Debtors.¹

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3566-LTS

THE EMPLOYEES RETIREMENT SYSTEM
OF THE GOVERNMENT OF THE
COMMONWEALTH OF PUERTO RICO,

Debtor.

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ORDER GRANTING LIMITED RELIEF FROM THE AUTOMATIC STAY TO FILE COUNTERCLAIMS

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Upon consideration of the *Motion of UBS Financial Services Incorporated of Puerto Rico for Relief From the Automatic Stay* (Docket Entry No. 8823 in Case No. 17-3283 and Docket Entry No. 677 in Case No. 17-3566, the “Motion”) and all related filings; adequate notice having been given to all relevant parties; objections to the requested relief having been withdrawn or overruled on the merits; and the Financial Oversight and Management Board, acting through its Special Claims Committee (the “Oversight Board”) having consented to the relief requested to the extent provided herein; for good cause shown, it is hereby **ORDERED** that:

1. The Motion is GRANTED as set forth herein.
2. Pursuant to Bankruptcy Code section 362, made applicable by PROMESA section 301(a), the automatic stay is hereby lifted solely to allow UBS Financial Services Incorporated of Puerto Rico (“UBS Financial”) to present its proposed counterclaims in *Administración de los Sistemas de Retiro de los Empleados del Gobierno y la Judicatura de Puerto Rico v. UBS Fin. Servs. Inc. of Puerto Rico*, Civ. No. KAC-2011-1067 (803) (the “ERS Action”), without waiver of, and subject to, any and all defenses. The Commonwealth Court shall have the sole discretion as to any procedural requirements for presenting the counterclaims and as to any litigation of the counterclaims in that court.
3. The automatic stay will, as a matter of law, stay further prosecution and defense of the proposed counterclaims upon their filing in the ERS Action. This reimposition of the automatic stay is without prejudice to UBS Financial's right to seek further stay relief from this Court, and UBS Financial reserves all rights to seek further stay relief in its sole discretion.
4. For the avoidance of doubt, nothing in this Order shall prevent the Oversight Board, the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), UBS

Financial, or the filing parties to the *Objection of the Individual Plaintiffs Retirees and Beneficiaries of the ERS Trust to the Motion of UBS Financial Services Incorporated of Puerto Rico for Relief From Automatic Stay* (Docket Entry No. 9341 in Case No. 17-3283) from seeking or agreeing to further relief, and the parties reserve all rights to do so.

5. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

6. A copy of this Order shall be entered on the docket in the ERS Action by UBS Financial and served on all appropriate parties to the ERS Action.

7. The parties reserve all rights and defenses.

8. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

9. This Order resolves Docket Entry No. 8823 in Case No. 17-3283 and Docket Entry No. 677 in Case No. 17-3566.

SO ORDERED.

Dated: December 16, 2019

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge